

VIRGINIA EMPLOYMENT COMMISSION CLAIMANT & JOB SEEKER HANDBOOK



JULY 2004

UNEMPLOYMENT INSURANCE SERVICES

The Virginia Employment Commission (VEC) administers an unemployment insurance program that provides protection against loss of wages to individuals who become unemployed through no fault of their own. Benefits are paid through taxes on employers covered under the Virginia Unemployment Compensation Act. No part of the cost is deducted from your earnings. To qualify to receive unemployment benefits, you must meet certain requirements. You must also file your initial claim in person or through the Internet. The VEC home page Internet address for use in filing your initial claim is <http://www.vec.state.va.us/>.

This handbook is intended to explain the requirements for obtaining unemployment benefits under the Virginia Unemployment Compensation Act. Please read the entire handbook carefully. ***Pay special attention to your rights and responsibilities.***

The handbook also explains the basis for the dollar amount of the unemployment benefits which you may be entitled to receive and the requirements you must meet each week to claim and receive those benefits. Information is provided on filing new and continued claims, personal identification numbers and record keeping. Although it does not have the effect of law or regulations, the information provided will assist you in filing for unemployment benefits.

If you have any questions, please call or visit the field office where you filed your claim. Be sure to bring this handbook with you each time you report to your nearest office of the Virginia Employment Commission.

Note: If you believe your unemployment was caused either directly or indirectly by increased foreign imports, please inform claims personnel while filing your claim.

NONDISCRIMINATION/EQUAL OPPORTUNITY POLICY

The Virginia Employment Commission (VEC) is prohibited from discriminating on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief and for beneficiaries only, citizenship or participation in programs, in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with, any program or activity. If you think that you have been subjected to discrimination under a VEC program or activity, you may file a complaint within 180 days from the date of the alleged violation with the VEC's Equal Employment Opportunity Manager, P.O. Box 1358, Richmond, Virginia 23218-1358, or you may file a complaint directly with the Director, Directorate of Civil Rights (DCR), U.S. Department of Labor, 200 Constitution Avenue N.W., Room N-4123, Washington, D.C. 20210. If you elect to file your complaint with the VEC, you must wait until the VEC issues a decision or until 60 days have passed, whichever is sooner, before filing with DCR (see address above). If the VEC has not provided you with a written decision within 60 days of the filing of the complaint, you need not wait for a decision to be issued, but may file a complaint with DCR within 30 days of the expiration of the 60-day period. If you are dissatisfied with the VEC's resolution of your complaint, you may file a complaint with DCR. Such complaint must be filed within 30 days of the date you received notice of the VEC's proposed resolution.

AUXILIARY AIDS AND SERVICES

Auxiliary aids and services are available upon request to individuals with disabilities. Any reasonable accommodation for persons with disabilities may be requested by contacting the manager of the VEC field office where you are seeking services.

VIRGINIA RELAY CENTER

The Virginia Relay Center (VRC) provides telecommunications relay services to the Commonwealth of Virginia. Text Telephone (TTY) or Telecommunications Device for the Deaf (TDD) users can access the VRC by calling 1-800-828-1120. If it is preferred to communicate directly with the Virginia Employment Commission, users can access its TDD by calling 804-371-8050.

BENEFIT RIGHTS AND RESPONSIBILITIES CONCERNING YOUR UNEMPLOYMENT BENEFITS CLAIM

1. **Be unemployed.** You are unemployed if you are not working and are not earning any money. You are partially unemployed if you are working less than full time and earning less than your weekly benefit amount.
2. **File your claim for benefits.**
3. **Report all work (including self-employment) and money as it is earned** (not when it is paid to you) from any source for any week you claim benefits. Earnings include vacation, severance, and holiday pay before taxes and other employer deductions are made and **not** net earnings/wages. Report your reason for

separation from any employer, even if it is temporary employment. If your work is continuing, report this as well.

4. **Be able to work and available for work** with no undue restrictions on your availability for work.
5. **Register for work.** Unless advised otherwise, you must register no later than the Friday of the week following the week in which the claim was filed. If you do not register, you could be held ineligible to receive unemployment benefits.
6. **Make an active search for work each week.** Unless you customarily obtain work through a labor union of which you are a member in good standing or you have been previously approved for a resume job search, you must personally apply for work with prospective employers.
7. **Report all job offers and job referrals** from any source, as well as your response to those offers or referrals.
8. **File or submit your Continued Claim for Benefits forms in a timely manner.**

APPLYING FOR BENEFITS

If you are totally or partially unemployed and wish to file a claim for benefits, report to the nearest field office of the Virginia Employment Commission. Cities and towns in which our offices are located are listed in this handbook. Please consult the telephone directory of the locality nearest you for the current address and telephone number. You may also file your claim on the Internet by accessing the VEC website at www.vec.state.va.us.

If you file in person, be sure to take with you proof of your Social Security Number such as your Social Security Card and/or Driver's License. You will be asked to supply the name and address of your last employer (and in some cases previous employers), your dates of employment, and the reason you are unemployed.

When you file a claim, the Virginia Employment Commission has to decide whether you meet three separate requirements. You must meet all three requirements to receive benefits. They are:

1. Monetary eligibility
2. Separation qualification
3. Weekly eligibility

1. Monetary Eligibility. In order to qualify for benefits, you must have earned enough wages in covered employment during the base period. The amount of wages you earned will determine your Weekly Benefit Amount and the maximum number of weeks of benefits (12 to 26 weeks) to which you will be entitled. Benefit computation tables are available upon request from the field office. You will receive a Monetary Determination, which will address your monetary eligibility to receive benefits. Review your monetary determination carefully. Monetary eligibility is explained below. If you feel the wages shown for your base period are incorrect, you must report to the nearest field office with proof of correct wages (such as W-2s or pay stubs). ***Be sure to keep your monetary determination because it shows your base period wage information.***

Q: What is the Base Period?

A: The base period is the first four of the last five completed calendar quarters prior to the effective date of your claim. An alternate base period of the last four completed calendar quarters may be used if you do not qualify for benefits under the regular base period. *The effective date of your claim is the Sunday of the week in which you file your claim.*

Q: How do I know if I have enough wages to qualify?

A: When you file your claim, you will receive a monetary determination which is a statement of wages you earned in covered employment during the base period. You must have earned and been paid a minimum specified amount in two combined quarters of your base period.

Q: How much benefits do I get and for how long?

A: Your monetary determination will show the amount and duration of benefits you are entitled to based on your base period wages. Your Weekly Benefit Amount is determined by the two quarters with highest earnings reported during the base period. Total wages reported during the base period determine your maximum benefit amount. Once you establish a claim which reflects all earnings in covered employment during your base period, the amount you qualify for remains the same for one year and is available to you until your maximum benefit amount or your benefit year is exhausted, whichever comes first.

Q: What if my wages are correct but insufficient to qualify?

A: If you have worked only during the last six months or so, you may qualify monetarily after the quarter changes and should file a claim next April, July, October, or January as appropriate, if you are still unemployed.

Q: What if my base period wages are incorrect?

A: When you receive your monetary determination, check it carefully to see if it:

1. Omits an employer for whom you worked during the base period;
2. Omits some of the wages you earned during the base period;
3. Lists any employers for whom you did not work during the base period;
4. Lists any earnings amount incorrectly.

If a correction is necessary, request a redetermination at your nearest field office. If an employer or wages are incorrect or omitted, you must provide the name and address of the employer involved and some evidence of your earnings such as W-2 forms or pay check stubs. Once your new wages have been validated, your weekly benefit amount will be adjusted to reflect the correct wages and you will be mailed a check to cover any amount due you for weeks of benefits already paid.

Q: May I use wages earned in other states to establish a claim?

A: Yes. Wages earned in other states can be used to establish a claim in one of two ways:

1. You file a claim against the other state if you have earned enough wages in that state to qualify for benefits. This is known as an Interstate Claim; or,
2. You request that the wages earned in other states be transferred to Virginia and “combined” with your Virginia wages to qualify for benefits. Be sure to tell the interviewer if you worked in another state.

Only those out-of-state earnings (which have not been used on a prior claim) will transfer to Virginia. Wages earned overseas may also be used if you worked for a U.S. company. The state where the company is headquartered is the state to which the wages are reported.

Q: What is a “double-dip” claim?

A: If you drew benefits in a prior benefit year and have not worked as many as 30 days or 240 hours for one employer since the beginning of that year, you may monetarily qualify for a new benefit year, but you will not be eligible to draw those benefits until you have 30 days or 240 hours of employment and are subsequently unemployed.

2. Separation Qualification. Even though you may have enough earnings to qualify, there are circumstances that may prevent you from receiving unemployment benefits. If you are unemployed for any reason other than lack of work, it is necessary to gather the facts concerning your separation from employment.

Q: How are these facts gathered?

A: You give your reason for being unemployed when you file your claim. This information along with a questionnaire is sent to your former employer for completion. It will be necessary for a Deputy (sometimes referred to as a Hearing Officer) to talk with you either in person or by telephone about your separation from work. Your employer may request to be present, or he may provide additional information in writing or by telephone. You have the right to review and comment on any information provided by your employer. The Deputy will make a decision whether you are or are not eligible. This decision will be included in a “Notice of Deputy’s Determination” which will be sent to you and your employer. You will be disqualified if the Deputy finds that you:

1. Quit your job without good cause; or
2. Were fired from your job for misconduct in connection with your work.

Q: What if I disagree with the Deputy’s Determination?

A: If you disagree with the determination, you may appeal it. Your former employer also has the right to appeal. For additional information on the appeals process, refer to the section in this handbook concerning Appeals. If you decide to appeal the determination and while your appeal is pending, *it is very important that you continue to look for work, to report those contacts when you file/submit your Continued Claims for Benefits, and to file/submit your weekly claims on time.*

If you do not file/submit your weekly Continued Claims for Benefits while an appeal is pending you may be ineligible for benefits for the unclaimed weeks.

3. Weekly Eligibility. Each week you claim benefits, you must be able to perform work, be available for work while placing no undue restrictions on your availability, and be actively seeking work. In addition, you must accept all offers of suitable work, be registered for work with a VEC field office, accept any field office referrals to work, report to your field office when directed to do so, and report your income from any source.

Q: What is an active search for work?

A: An active search for work means that you personally visit several employers each week in your efforts to find work. You must be able to provide this agency, when requested, with information about each employer or company you visit (job contact).

Unless you are instructed otherwise, ***more than one in-person job contact each week is required.*** You must still conduct an active work search and report job contacts even when you work part-time and earn less than your Weekly Benefit Allowance.

Checking newspaper want ads and making telephone calls to employers are not acceptable. Additionally, since the Virginia Unemployment Compensation Act requires that claimants provide the name of the employers contacted for work, blind ads cannot be accepted.

Certain professions require the use of resumes as the usual and customary means of soliciting work. If you have one of these professions, mailing or faxing resumes to prospective employers may be acceptable in lieu of personally contacting employers. ***However, you must receive approval from your field office before using resume contacts to meet the work search requirements for your claim.***

If you are a member of a union which has a local hiring hall, please inform the interviewer who takes your claim for benefits. Your work search requirements will be explained to you at the time of filing.

As the length of unemployment increases, you are expected to expand your methods of seeking work. You should also be willing to include other occupations for which you are qualified as a result of prior training or experience.

If you do not make any, or only one job contact during your weekly work search, you may be denied benefits.

We will provide a form on which you may keep a personal record of your work search job contacts. We strongly recommend the use of these pages to assist you if the need arises or when you are asked to provide the job contact information for work search verification.

Q: Is anybody going to check or verify my work search?

A: All job contacts are subject to verification. If your information concerning any job contact is false, you can be disqualified for receiving benefits for one year.

Q: What if the VEC field office refers me to a job?

A: Periodically, the field office may refer you to a job. If the field office refers you, you must visit the employer to whom referred. You may count the job referral as one of your required work search job contacts for the week if you visit the employer to whom you were referred.

Q: What happens if I refuse a job offer or VEC field office referral?

A: If you refuse a job offer you will be contacted by the field office to provide additional information. The field office will then determine if the work offered was suitable or if you had good cause to refuse the job offer. If the job was suitable and you did not have good cause to refuse it, you may be disqualified for receiving future benefits.

If you fail, without good cause, to apply for suitable work when referred by the field office or accept suitable work when offered, you may be disqualified starting the first day of the week in which the refusal occurred. The Commission decides whether a job offer or referral is for suitable work.

Q: What is suitable work?

A: Many factors are taken into consideration in determining whether work is suitable, such as: previous work experience; physical and mental fitness; risk to your health, safety, or morals; and the distance from your home. ***You must report all job offers that you decline*** when you file/submit your Continued Claims for Benefits.

Q: How much can I earn and still receive benefits?

A: If the gross, not net, wages you earned are less than your Weekly Benefit Amount you may receive unemployment benefits. However, the amount of gross wages that are over \$25.00 will be deducted from your Weekly Benefit Amount. If your weekly gross wages are equal to or more than your Weekly Benefit Amount, you will not be paid any unemployment benefits for that week.

Q: What if I receive severance pay, vacation pay, sickness and accident benefits, or holiday pay?

A: Severance, vacation, sickness and accident benefits, or holiday pay that you receive may be deducted from your Weekly Benefit Amount in the same manner as actual earnings in any week for which it is payable. You will be notified if these benefits or pay affect your claim.

Q: What if I receive a pension, retirement, social security, etc.?

A: Your benefits may be reduced by the weekly amount of any pension, retirement, Social Security, etc. that you receive from your most recent employer of 30 days or 240 hours or more or from any employer in the base period of your claim. You will be

asked to provide the amount and source of any pension when you file your claim. Failure to report any changes in your pension, such as cost of living increases or the start of Social Security benefits, on your Continued Claim for Benefits form may result in an overpayment of benefits, which you would be liable to repay.

Q: What if I attend school or a training program?

A: Make sure you report any classes you are taking during weeks claimed. You may receive benefits while attending school depending upon the course of study and the required attendance each week. If you desire to attend school or a training program to improve your employment possibilities, you need to request approval in advance through your field office. Your VEC field office will determine if your training is to be approved and advise you on work search requirements while you are in school or a training program.

Q: What if there is a question on my weekly eligibility?

A: You will be notified to report to or call the VEC field office for an interview. If you are held ineligible for benefits, you will receive a "Notice of Deputy's Determination" explaining why. If you disagree with the determination, you must file your appeal by the date shown on the notice. Refer to the section concerning Appeals. ***It is very important that you continue to look for work, to report those contacts when you file/submit your weekly Continued Claims for Benefits, and to submit your weekly claims on time while the appeal is pending. Failure to do so may result in a denial of benefits.***

Q: If I receive a letter or call to report to the field office, what should I do?

A: Report to the field office when scheduled. If you do not, you may not be paid any unemployment benefits for that week. If you cannot report for any reason, you should call ahead of time to explain the circumstances.

PERSONAL IDENTIFICATION NUMBER (PIN).

A few days after you file your claim, ***you will be mailed a notice that will provide you with a six digit personal identification number (PIN).*** This number is important; it, and your social security number, will be required every time when calling your Virginia Employment Commission field office for claim information or when using the Voice Response System. Please safeguard your PIN and do not give it to anyone else. If you lose or forget your PIN or believe someone else is using it, call or visit your VEC field office immediately

CLAIMING AND RECEIVING WEEKLY BENEFITS.

Unemployment benefits are claimed on a calendar week basis beginning on Sunday and ending at midnight on the following Saturday. ***In order to receive unemployment benefits, you must meet the following requirements during each week claimed (your meeting these requirements is subject to verification):***

a. **Be unemployed.** You are unemployed if you are not working and are not earning any money. You are partially unemployed if you are working less than full time and earning less than your weekly benefit amount.

b. **File your initial claim for benefits and report to the VEC field office as directed.**

c. **Report all work (including self-employment) and money as it is earned** (not when it is paid to you) from any source for any week you claim benefits. Earnings include vacation, severance, and holiday pay. Report the total amount of gross earnings/wages before taxes and other employer deductions are made and not net earnings/wages. Report your reason for separation from any employer, even if it is temporary employment. If your work is continuing, report this as well.

d. **Be able to work and available for work** with no undue restrictions on your availability for work.

e. **Register for work at a VEC field office.** Unless advised otherwise, you must register no later than the Friday of the week following the week in which the claim was filed. If you do not register at a VEC field office, you could be held ineligible to receive unemployment benefits.

f. **Make an active search for work each week.** Unless you customarily obtain work through a labor union of which you are a member in good standing or you have been previously approved for a resume job search, you must personally apply for work with prospective employers. **You must provide the full names of each employer you contact** when claiming benefits. Additionally, since your work search is subject to verification, you must maintain a record of your work search contacts as follows:

- Month, day, and year you contacted the employer/company;
- Complete name of the employer/company contacted;
- Complete mailing address of the employer/company contacted, including street, P.O. Box number, state, and zip code;
- First and last name and title of the individual for the employer/company with whom you talked;
- Telephone number of the employer/company contacted;
- Type of work or position for which you applied; and
- Results of contact.

Since the Virginia Unemployment Compensation Act requires that claimants provide the name of the employers contacted for work, blind ads cannot be accepted. Telephonic work search contacts with employers are also not acceptable job contacts.

g. **Report all job offer refusals** from any source.

h. Be qualified and eligible to receive benefits. A discussion of qualification and eligibility requirements is provided in this handbook.

i. File/submit your weekly Continued Claim for Benefits in a timely manner.
Instructions to file your weekly Continued Claims for Benefits are provided below.

FILING YOUR WEEKLY CONTINUED CLAIMS FOR BENEFITS

You will file your weekly Continued Claim for Benefits telephonically using the Voice Response System (VRS). The number is 1(800) 897-5630. If you are calling from the Richmond area, please call 775-8380. You will be given instructions on how to use the VRS when you file your initial claim for benefits. Follow the instructions carefully, file your weekly Continued Claim for Benefits correctly and accurately, as soon as the week you are claiming has passed. Each week you claim benefits, you must be able to perform work, be available for work while placing no undue restrictions on your availability, and be actively seeking work. In addition, you must accept all offers of suitable work, be registered for work with a VEC field office, accept any field office referrals to work, and report to your field office when directed to do so. You must also report your income from any source.

You will not be paid benefits, even if you are qualified and eligible to receive benefits, if you fail to file/submit your weekly Continued Claim for Benefits.

Your first weekly Continued Claim for Benefits must be filed with the VEC after the end of first week and within 28 days of the date you reported to file your initial/new claim. For example, if you filed a new claim on January 2, we must receive your first Continued Claim for Benefits no later than January 30.

Your second, third, and following Continued Claims for Benefits must be filed/submitted after the end of each week you are claiming. Each of these claims, in order to be submitted in a timely manner, ***must be filed within 28 days of the last week ending date of the prior Continued Claim for Benefits.*** For example, if the last previous Continued Claim for Benefits that you filed/submitted was for the week ending Saturday, January 5, we must receive your next Continued Claim for Benefits no later than Monday, February 4.

Note: If the 28-day period for timely filing of continued claims ends on a date the field office is closed, the last date for timely filing will be extended to the next day the office is open.

You will continue to be able to file your Continued Claims for Benefits until you report that you have returned to work, or your benefits run out, or your benefit year expires, ***unless*** you fail to file/submit your Continued Claim for Benefits within 28 days of the claimed week ending date of the previous one. If that happens, the claim series is broken; you will not be able to file your Continued Claim for Benefits, and you must report to a VEC field office to start it up again. You will then lose benefit entitlement for all weeks

between the last week timely claimed and the week you report to resume your claim series unless you can show that you had good cause for late filing.

Before you can receive benefits, you must serve a one-week waiting period in each benefit year. You must file a continued claim (or Statement of Partial Unemployment form for partially unemployed persons), and be otherwise eligible to receive benefits before you get credit for serving a waiting period. You do not receive unemployment benefits for your waiting period week.

Q: What happens if I file my Continued Claim for Benefits late or early?

A: If you file your continued claim late, you will be denied benefits for the weeks claimed, unless you can show good cause for late filing. You must submit/file your weekly claim as soon as the week you are claiming has ended. However, you must claim benefits within 28 days of the last week claimed. If you are filing/submitting your first weekly Continued Claim for Benefits, it must be received within 28 days of the date on which your claim was filed. The Voice Response System will not allow you to claim your Continued Claim for Benefits prior to the end of the week you are claiming.

Q: What if I change my address?

A: Notify us immediately by letter, or by reporting in person to the VEC field office. If there is an appeal pending, you should give notice of an address change even if you are no longer receiving benefits. You cannot report an address change by telephone. If you use a letter, please include your social security number. The Post Office does not forward unemployment checks, but returns them to us. ***Even if you are no longer claiming benefits, you should notify us of your new address so we may send you the 1099-G (mailed each January) statement that is required for income tax purposes.***

Q: What if I leave the area?

A: If you plan to be away temporarily, there is no need for you to contact your VEC field office. If you plan to leave permanently, you should immediately report to the field office and register for work in your new area. Be sure to take with you all documents pertaining to your claim. If you move to another locality within Virginia, we will simply transfer your claim to the new field office. If you move to another state, staff in the state employment office for your new locality will assist you with the necessary paperwork for interstate filing.

Q: What if I am sick, injured, or out of town during a claim week?

A: You should indicate that you were not ready, willing and able to work each day during that week when you file/submit your Continued Claim for Benefits.

Q: When can I expect a check?

A: You should receive your check within 10 calendar days after you file your Continued Claim for Benefits. You may not receive your check on the same day of the week each time you claim benefits.

Q: What should I do if I don't receive a check?

A: You should report in person or call the VEC field office. However, you should wait at least 10 days after you file your weekly claim before notifying us. ***Be sure to have your personal identification number (PIN) and your social security number ready if you call.*** Make a record of your call, noting the date and the time of the call, the name of the VEC representative with whom you spoke, and the information you were given. Pages for your use are provided near the end of this handbook. If your weekly Continued Claim for Benefits was not processed, you will have to refile/resubmit your weekly claim. ***You should keep a record of your work search contacts in case you need to refile your claim.***

Q: What should I do if the Voice Response System will not allow me to file a weekly Continued Claim for Benefits?

A: Contact the field office if the Voice Response System will not permit you to file your weekly Continued Claim for Benefits. You will need to have your PIN and Social Security Number available.

Q: What if I return to full-time work?

A: Report your return to work when you file/submit your weekly Continued Claim for Benefits for the week in which you returned to work. Report the date you started work and, if you have already started work, your earnings before deductions. ***Be sure to let us know your earnings, even if your employer does not pay you right away, or you may receive benefits which you have to repay.*** You may be eligible for reduced benefits the first week you return to work depending on how much you earn.

If you report a return to work date when you file/submit your Continued Claim for Benefits and for some reason you do not start work, you must contact the VEC field office immediately for further instruction. If you do return to work for an employer, become unemployed again and wish to claim benefits, you must report to the field office immediately upon separation to complete a claim for benefits form regarding that period of employment.

Q: Suppose I decide not to claim benefits after I have filed my initial claim. Can my claim be cancelled?

A: If you wish to cancel your claim and not file for benefits, your cancellation request must be made within 30 days of the date your claim is filed. The final date for cancellation is the same as the final date of appeal on your monetary determination form.

Q: How can I get information on the status of my claim?

A. The Virginia Employment Commission has a Voice Response System (VRS). Using this system you can get general unemployment insurance information and answers to questions about your unemployment insurance benefits account. You can also file your Continued Claim for Benefits. A brochure will be provided to you about the Voice Response System when you file your claim for benefits. You will need your

social security number and Personal Identification Number (PIN) when you use the Voice Response System.

REEMPLOYMENT ASSISTANCE

In order to comply with federal law, the VEC will review your claim for benefits for the purpose of determining if you may need special reemployment assistance to make a successful transition to new employment. If you meet the federally mandated criteria, you will be referred to reemployment services, such as job search assistance. If you are referred, you will be required to attend as a condition of eligibility to receive weekly benefits. If you either refuse to or do not attend without justifiable cause, you may be denied benefits.

Q: What types of reemployment services are offered?

A: Reemployment services may include the following: an orientation session advising you of the availability and benefit of reemployment services; an individual assessment of your needs with which an individually tailored reemployment services plan can be developed; and job search assistance such as counseling, testing, occupational and labor market information, job search workshops, job clubs, referrals to employers, and other similar services.

Q: What if I am referred for reemployment services and do not attend?

A: Referrals will be in writing and will include the following: that you have been identified as likely to need reemployment services in order to make a successful transition to new employment, when and where to report for the services, to bring all relevant information concerning ongoing or recently completed reemployment services or current training in which you have participated and believe would help you return to work, and that failure to participate in reemployment services may result in denial of unemployment benefits.

Eligibility determinations by a Deputy will be required if you were referred and failed to participate in reemployment services. You may be found to be ineligible to receive unemployment benefits if you do not have a justifiable cause, have not completed such services, or you are not attending similar services.

SPECIAL INSTRUCTIONS FOR PARTIAL CLAIMANTS

A partially unemployed person is one who, during a calendar week, was employed by a regular employer and had earnings that were less than his weekly benefit amount and who worked less than his normal customary full-time hours because of a lack of full-time work. A person who does not work, but is paid holiday pay in a week, is not considered a partially unemployed person. Each person who files a claim for partial benefits must be aware of the following:

1. Your employer will be sent a notice that you have filed a claim for partial benefits and your weekly benefit amount. During any week you earn less than your weekly

benefit amount because of lack of work, your employer is required to give you a Statement of Partial Unemployment (Form VEC-B-31) stating your wages for that week. In order to obtain your partial benefits, you must sign this form and return it to the VEC field office within **14** days from the date the employer gives it to you.

2. Failure to forward each Statement of Partial Unemployment to the field office may result in a loss of benefits for the week(s) shown on the statement.
3. It is ***your*** responsibility to obtain the Statement of Partial Unemployment from your employer. ***If you are a partially unemployed person during a week and your employer does not give you a Statement of Partial Unemployment, you must contact the VEC field office by Friday of that week.***
4. You must work all available hours. You must not miss work in order to report on your claim. If you do not work hours offered to you, you may be held ineligible to receive unemployment benefits for that week.
5. You must report all earnings from your regular employer ***and*** from any other employers for whom you worked during each week claimed.
6. You must report any offers of employment.
7. ***You must report to the VEC field office to file a total claim for benefits no later than Friday of any calendar week during which you do not work for your regular employer at all (holiday pay is not considered to be work). Failure to report can result in denial of benefits.***
8. Depending upon your situation, you may not be required to seek other employment. The field office will advise you of the requirements.

RETURNING TO WORK

If you return to work, file your Continued Claim for Benefits as instructed. Be sure to provide the date you returned to work and any earnings (before deductions) for the period you are claiming.

FALSE OR INCORRECT STATEMENTS

Always provide complete information and answer all questions truthfully. ***Do not make any false statements in order to obtain benefits. If you do, you will be violating the law and may be prosecuted. You will be required to repay any benefits fraudulently obtained. Furthermore, you may be disqualified to receive future unemployment benefits. Please see the section on overpayments, below.***

Q: What if I make a false statement on my claim? What if I make a mistake?

A: If you knowingly make a false statement or representation, or have knowingly failed to disclose a material fact, to obtain or increase benefits, you may be subject to a fine and/or imprisonment and be prevented from receiving future benefits for 52 weeks. In addition, you will be required to repay any benefits which you were not entitled to receive. Claims are reviewed periodically to make sure benefits were properly paid. If you make a mistake when filing/submitting your weekly Continued Claim for Benefits, you should notify the field office as soon as possible to correct the error.

OVERPAYMENT OF BENEFITS

If you receive benefits to which you are not entitled, you will be required to repay them, along with any costs, fees, and interest associated with collection.

Q: What is an overpayment?

A: An overpayment means unemployment insurance benefits paid to and received by you to which you are not entitled. This includes amounts paid while an appeal by your former employer is pending prior to a decision being rendered against you, and amounts paid because you did not notify us of information which would have reduced or eliminated your benefit entitlement. You are also required to repay any benefits which are paid to you in error.

Q: How do I repay an overpayment?

A: Repayment must be made in full. If you are unable to repay the full amount in one payment, you must immediately contact the Benefit Payment Control Unit, (804) 786-8593, to arrange a repayment installment plan. Repayment of an overpayment may affect the amount of benefits on which you are required to pay taxes.

Q: What if I fail to repay the overpayment?

A: If the overpayment is not repaid in full before you claim future benefits, a deduction (offset) will be made from these benefits. The Virginia Employment Commission will also use other methods to collect the money owed, including collection agencies, Credit Bureau, wage garnishment, attachment of bank accounts, seizing of income tax refunds, and levy and sale of personal property. The costs of collection, including administrative costs, attorney's fees, late penalty, and interest can be charged to you.

APPEAL RIGHTS – FILING AN APPEAL

Anytime it is determined you are ineligible or disqualified from receiving unemployment benefits, you will receive a written determination. You should read the determination carefully. If you feel the written determination is incorrect, you may file an appeal. The written determination will provide the instructions for filing an appeal, explains your appeal rights and states the final date for appeal.

Appeals may be filed by your former employer after benefits have already been paid to you. If the employer prevails, you may become liable to pay back some or all of those benefits, even if you have stopped claiming them. Accordingly, it is most important that you attend any scheduled appeal hearing and notify this agency immediately if you have moved, even if you have ceased to claim benefits. Any person needing a language interpreter, or any person with a disability who needs a reasonable accommodation should immediately contact the Clerk of the Commission at the telephone number shown on your hearing notice. ***If you appeal, it is very important that you continue to look for work and to file/submit your weekly Continued Claims for Benefits on time while the appeal is pending. Failure to do so may result in the denial of benefits.***

Q: If I disagree with the decision of a Deputy or “Notice of Deputy’s Determination,” how do I file an appeal?

A: You may file an appeal in person at your nearest field office, or by mail to either the field office or to the Virginia Employment Commission, Office of First Level Appeals, P.O. Box 1358, Richmond, VA 23218-1358. Be sure to include your Social Security Number. You must be sure your appeal is received in the field office or postmarked no later than the final appeal date. Any change in address must be reported to the field office immediately. ***Remember, while you are appealing a decision, you must file your Continued Claim for Benefits to keep your claim up to date if you remain unemployed.*** You must continue to look for work. If you are later determined to be eligible, you may be paid benefits for the period your claim was on appeal, as long as all eligibility requirements have been satisfied during each week claimed.

Q: What happens at an appeal hearing?

A: You and your former employer, if appropriate, will have the opportunity to participate in the hearing, give testimony under oath and present witnesses and documents to support your case. You may be represented by an attorney or someone else authorized to act on your behalf. Any such arrangements for representation are your responsibility. You or your representative have the right to question any witness testifying against you and to examine any documents used against you. The Appeals Examiner will issue a written decision to all affected parties. If you fail to attend a hearing or miss a filing deadline because you failed to notify the Commission of an address change, the hearing will not be rescheduled, nor will the filing deadline be extended. Notice to the U.S. Postal Service of an address change does not constitute notice to the Commission.

Q: What if I disagree with the decision of the Appeals Examiner?

A: You may file a Commission Appeal. You must file the appeal within the period of time specified on the Appeals Examiner’s decision. Upon receiving an appeal, the Commission will mail you a Notice of Appeal. Unless you request a hearing within 14 days from the date the Notice of Appeal was mailed, the decision of the Commission will normally be based upon the information obtained at the Appeals Examiner’s hearing. If you request a hearing, no new testimony or evidence will be taken unless you can show good cause for not presenting it before the Appeals Examiner. Generally, a Commission hearing is for oral argument only.

Q: What if I disagree with the decision of the Special Examiner?

A: To appeal this decision, you must file a petition for judicial review with the Circuit Court of the County or City in which you were last employed in Virginia. Your petition to the circuit court must be filed within the period of time specified on the Commission decision.

Q: What if I have a question concerning my appeal or the appeals process?

A: If you are uncertain about the appeals procedure, contact the field office in which you filed your claim or telephone the Clerk of the Commission at 804-786-3020 for First Level Appeals, or call 804-786-4140 for Commission Appeals.

YOU NEED TO KNOW

Q: Are my benefits taxable?

A: Benefits you receive are subject to federal and state income tax. At your request, we will withhold federal tax from your unemployment benefits. You will be mailed a statement, Form 1099-G, of benefits paid to you during the year. It is your responsibility to keep us informed of any changes in your address and to include unemployment benefits received on your annual tax return and pay the tax due. Benefits you received that are determined to be overpaid and are repaid may be deductible. Contact the Internal Revenue Service or your tax advisor.

Q: What is the Eligibility Review Program?

A: This program helps us offer you assistance in searching for work, and enables us to make sure you are still meeting the eligibility requirements of the law. When you receive an Eligibility Review Questionnaire, it is important that you complete the form and the Record of Contacts for Employment and report as scheduled to the field office. Failure to do so may result in the delay or denial of your benefits.

Q: What is the Quality Control program?

A: This program is designed to detect and correct both error and fraud in the Unemployment Insurance Program. It is a review of the records of a sample group of claimants, selected at random, to test the accuracy of the payments they have received. You will be notified to report to the field office if your claim is selected for review. Failure to report may result in the delay or denial of your benefits.

COMPLAINTS OTHER THAN DISCRIMINATION

If you have a complaint about the service you receive which cannot be resolved by the field office, you may contact:

The Virginia Employment Commission
Customer Service Unit
P.O. Box 1358, Richmond, VA 23218-1358
804-786-4359 (voice)
Hearing impaired persons may call 1-800-828-1120.

OTHER UNEMPLOYMENT INSURANCE PROGRAMS

The following programs are all administered through the Virginia Employment Commission field offices. Your field office can provide you with additional information.

DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

A special program that provides benefits to workers who are unemployed as the result of a major disaster in their area. A presidential declaration is required before DUA benefits become payable.

EXTENDED BENEFITS (EB) AND EMERGENCY UNEMPLOYMENT COMPENSATION (EUC)

Unemployment benefits paid to a claimant after regular benefits have been exhausted. This program is only in effect during periods of prescribed high national or state unemployment levels. The Virginia Employment Commission will notify you if you are eligible to receive these benefits. The notification will be mailed to the address we have on your official record.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE)

A benefit program for workers who were employed as federal civilian employees during the base period.

UNEMPLOYMENT COMPENSATION FOR EX-SERVICE MEMBERS (UCX)

A benefit program for workers who were members of the United States Armed Forces during the base period.

SPECIAL FEDERAL PROGRAMS

From time to time, the federal government may make special unemployment compensation programs available.

VIRGINIA EMPLOYMENT COMMISSION

The Virginia Employment Commission has field offices in the localities listed below. Please consult your local telephone directory for your nearest office's current address and telephone number.

Alexandria
Bristol
Buena Vista
Cedar Bluff
Charlottesville
Chesapeake
Covington
Culpeper
Danville
Eastern Shore (Onley)
Emporia
Fairfax
Farmville
Fishersville
Fredericksburg
Galax

Hampton
Harrisonburg
Lynchburg
Marion
Martinsville
Newport News
Norfolk
Norton
Portsmouth
Prince William
Radford
Richmond
Roanoke
South Boston
South Hill
Suffolk
Tri-Cities (Hopewell, Petersburg, Colonial Heights area)
Virginia Beach
Warsaw
Williamsburg
Winchester
Wytheville

VEC Administrative Office Location:

703 East Main Street, Richmond, VA 23219. (Corner of 7th & East Main Sts.)

Mailing address:

P.O. Box 1358, Richmond, VA 23218-1358.

Telephone numbers:

Direct access to the VEC Administrative Offices in Richmond: 804-786-1485

TDD calls: 804-371-8050

Virginia Relay (Telecommunications Relay Service) "711"

Toll free access: 800-828-1120 (TDD) or 800-828-1140 (voice)

JOB SEEKER SERVICES

Services available to job seekers/workers include job referral and placement, referral to training, and job search skill building activities. The VEC provides a wide variety of self-help, computer-assisted, as well as printed and video career guidance materials to help in your job search. Computers available in each VEC field office allow easy access to information about job opportunities, unemployment insurance, and labor market conditions across Virginia. Internet access is available to the VEC Home Page and America's Job Bank, as well as Recruit, a listing of job opportunities within various Virginia government agencies. Some facts about your registration with the VEC:

- Your registration forms are reviewed for your job experience, education, training and personal interests.
- A computer file search will match your qualifications with employers' job requests.
- Selection for referral is based on job requirements.
- You may be contacted by mail or phone to inform you of a job opening.

- Failure to respond to a contact may cause your VEC registration to become inactivated. Be sure to contact the VEC field office on a regular basis to keep your registration active.
- Failure to respond to a job referral may affect your claim status if you are receiving unemployment benefits.
- Military veterans may talk with a veteran's employment representative on a first-come, first-served basis. Additional job search workshops may be available.

The following services are available to assist in your job search:

- ALEX - A computer-based listing of local and statewide job openings including local/federal government positions.
- America's Job Bank - An Internet job search site listing nationwide job opportunities. This service is available in VEC field offices.
- Recruit - A listing of Virginia state government jobs available in print or by computer access.
- Social Services - VEC staff can make referrals to other assistance agencies such as the Department of Social Services, veteran's services, etc.
- Read - Check out the job listing sections of local, regional, and national newspapers.
- Network - Talk with family and friends about your job search.

Internet addresses:

VEC Home Page (with job listings)

<http://www.vec.state.va.us>, or
<http://www.vaemploy.com>

America's Job Bank

<http://www.ajb.dni.us>

Recruit (Virginia government jobs)

http://www.dpt.state.va.us/jobs_search.html

In addition, the VEC provides the following services to job seekers at each of its field offices:

RAPID RESPONSE ASSISTANCE

This program assists employees throughout Virginia who have been affected by large-scale layoffs or business closures. Additional information is available by contacting the VEC at 804-786-3037.

VETERAN'S SERVICES

All resources of the VEC are available to assist veterans in job placement/referral, vocational counseling and case management. The agency has Disabled Veterans Outreach Program (DVOP) staff and Local Veterans' Employment Representatives

(LVERs) assigned to most of our field offices statewide. Additional veteran's information and assistance is available by contacting the State Veterans Services Coordinator at 804-786-5693.

RURAL SERVICES

This program is responsible for processing agricultural and seasonal (H-2A) job orders, and registering farm labor contractors and their employees. For more information, contact the State Rural Services Coordinator at 804-786-8714.

FARMWORKER SERVICES

This program serves migrant and seasonal farmworkers (MSFWs) who are seeking work. Trained and experienced Farm Placement Specialists provide statewide coverage and are located in the following VEC field offices: Bristol, Charlottesville, Danville, Exmore, Petersburg, Roanoke, South Hill, Warsaw, and Winchester.

MONITOR ADVOCATE

Any complaints relating to the provision of services may be lodged at any VEC field office, or with the State Monitor Advocate, at 804-786-6094.

TRADE ACT / NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)

A federal program which provides special benefits to those workers whose unemployment is caused directly or indirectly by the NAFTA. The program includes additional benefits (after regular unemployment benefits are exhausted), training, work search, and relocation allowances. Additional information is available by contacting the Trade Act Representative at the VEC field office where you are seeking services.

The VEC can provide referral services to other federal, state and local service agencies and organizations. Written requests for information about any of the specific programs and services listed above should be mailed to:

Virginia Employment Commission
P.O. Box 1358
Richmond, VA 23218-1358

The Virginia Employment Commission is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Any reasonable accommodation for persons with disabilities may be requested by contacting the manager of the VEC field office where you are seeking services.